## GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES PUBLIC SERVICES COMMISSION

	)	
PETITION OF VITELCOM CELLULAR, INC.	)	
FOR DESIGNATION AS AN	)	Docket No. 664
ELIGIBLE TELECOMMUNICATIONS CARRIER	)	
- LIFELINE ONLY	)	Order No. 55/2017
	)	

## **ORDER**

WHEREAS, on April 11, 2017, Vitelcom Cellular, Inc. ("Vitelcom") filed a Petition with the Virgin Islands Public Services Commission ("PSC" or "Commission") for Designation as an Eligible Telecommunications Carrier ("ETC") throughout the U.S. Virgin Islands ("Petition"). Vitelcom requested ETC designation only for the purpose of participation in the federal low income ("Lifeline") program. The Company does not seek support under any of the universal service fund ("USF") high-cost programs; and

WHEREAS, PSC Staff immediately undertook its review of the Petition and sent discovery questions to Vitelcom on April 21, 2017. Vitelcom provided a timely response on May 5, 2017; and

WHEREAS, Vitelcom Cellular, Inc. is a wholly owned indirect subsidiary of ATN International, Inc. ("ATN"), a publicly-held company headquartered in Beverly, Massachusetts. Vitelcom was acquired by ATN in July of 2016 as part of its acquisition of Caribbean Asset Holdings LLC, the immediate parent of VITELCO, Vitelcom, and several other companies operating in the U.S.V.I. Vitelcom says it has been providing Commercial Mobile Radio Service ("CMRS", commonly referred to as cellular) to the public in the U.S. Virgin Islands for over a decade through a GSM-UMTS based network consisting of 23 cell sites. Since ATN's acquisition, Vitelcom reports it has been integrating its network with that of sister company Choice Communications, LLC ("Choice") and, simultaneously, is upgrading the combined network into a state-of-the-art GSM-LTE network. Upon completion of the integration project, Vitelcom states it will migrate all of Choice's remaining cellular customers, including its Lifeline customers, onto the combined and upgraded network; and

WHEREAS, the Vitelcom Lifeline plan will include 500 minutes of voice and mobile broadband service per month with 500MB of data, unlimited texts, and Caller ID, Call Forwarding and Directory Assistance. The monthly allowance of 500MB of data per month will increase to 2GB of data per month by December 1, 2018 as required by the FCC's Lifeline Rules. The Company will accept the FCC's Lifeline subsidy of \$9.25 per month as full payment for the Lifeline plan but reserves the right to reevaluate that position as FCC requirements evolve. Similarly, the Lifeline plan initially includes a free handset but the Company says it may have to charge for smartphones in the future as FCC requirements change. Lifeline customers may use their services off-network in the U.S. mainland but will be charged 10¢ per minute or megabyte under current rates. Lifeline customers may access unlimited Internet using their handsets at public WiFi hot spots without charge.

Petition Of Vitelcom Cellular, Inc. For Designation As An Eligible Telecommunications Carrier – Lifeline Only Docket No. 664
Order No. 55/2017
Page 2 of 3

WHEREAS, a telecommunications carrier that has been designated as an ETC is eligible to receive federal universal service support under Section 254 of the Federal Communications Act of 1934, as amended (the "Federal Act"). Under Section 214(e)(2) of the Federal Act, a state commission, such as the V.I. PSC, is responsible for designating a telecommunications carrier as an ETC within such state in accordance with the requirements of the Federal Act; and

WHEREAS, Title 30 of the V.I. Code specifically grants the V.I. PSC jurisdiction over ETC Petitions; and

WHEREAS, Title 30 of the Virgin Islands Code requires the Commission to act within 60 days after receipt of a completed application; and

WHEREAS, the continued availability of Lifeline services to customers who had been served by Choice is in the public interest; and

## **NOW THEREFORE**, the Commission FINDS and ORDERS:

- A. the continued availability of Lifeline services to customers who had been served by Choice is in the public interest; and
- B. the Commission adopts the report of the Staff (Georgetown Consulting Group) and its recommendations, as follows:
  - (1) Vitelcom must comply with any FCC or V.I. PSC requirements concerning E911 service when implemented in the U.S.V.I.
  - (2) Vitelcom must file a copy of any updates to its federal compliance plan as required under the new FCC *Lifeline Reform Order*.
  - (3) Vitelcom must provide to the PSC copies of the annual reports filed with the FCC and USAC pursuant to Section 54.416.
  - (4) Coincident with the filing of the annual reports referenced in Recommendation 3, Vitelcom must provide to the PSC a report of the total number of Lifeline subscribers served as of December 31 of each year starting December 31, 2017.
  - (5) Vitelcom must promptly submit to the V.I. PSC any additional information or reports that that V.I. PSC may reasonably request from time to time.
  - (6) Vitelcom must comply with the record retention requirements contained in Title 30 §47(d),

So Ordered.

Petition Of Vitelcom Cellular, Inc. For Designation As An Eligible Telecommunications Carrier – Lifeline Only Docket No. 664
Order No. 55/2017
Page 3 of 3

Dated: 6217,2017

Andrew Rutnik, Chair

For the Commission